

# MANDATE

S.D.N.Y.-N.Y.C.  
07-cv-8375  
Daniels, J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

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At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 20<sup>th</sup> day of July, two thousand eleven,

Present:

Dennis Jacobs,  
*Chief Judge,*  
Rosemary S. Pooler,  
Raymond J. Lohier, Jr.,  
*Circuit Judges.*

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**USDC SDNY  
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Charles McCurley, Jr., *et al.*,

*Petitioners,*

v.

11-1468-mv

Moody's Corp., *et al.*,

*Respondents.*

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Petitioners move, pursuant to Federal Rule of Civil Procedure 23(f), for leave to appeal the district court's order denying class certification. Upon due consideration, it is hereby ORDERED that the petition is DENIED, because an immediate appeal is unwarranted. *See Hevesi v. Citigroup Inc.*, 366 F.3d 70, 76, 76 n.4 (2d Cir. 2004) (*citing In re Sumitomo Copper Litig.*, 262 F.3d 134, 139-40 (2d Cir. 2001)).

FOR THE COURT:  
Catherine O'Hagan Wolfe, Clerk

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

SAO-CLP

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MANDATE ISSUED ON 07/20/2011